IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY FIRST DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT PETITION NO : 12010 of 2004

Between:

Ch. Kanaka Rao, S/o. Chenchaiah,
Office of the A.P. State Ware Housing Corporation, Pade Tadepalli (Village),
Tadepalligudem Mandal, West Godavari District.

..... PETITIONER

AND

1 The State of Andhra Pradesh, represented by its Principal Secretary,
Food and Agriculture (Marketing) Department, Secretariat, Hyderabad.

Andhra Pradesh.

2 The Andhra Pradesh State Ware Housing Corporation, rep by its Managing

Director, 2nd Floor, Warehousing Sadan, Near Gandhi Bhavan, Hyderabad,
Andhra Pradesh.

3 The Manager, Andhra Pradesh State Ware Housing Corporation, Pedapalli

(Village), Tadepalligudem Mandal, West Godavari District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court will be pleased to issue an appropriate Writ or Court order or direction more particularly in the nature of Writ of Mandamus declaring that the action on the part of the respondents in not regularising the services of the petitioner with effect from 01-04-1991 is illegal, improper arbitrary, discriminatory, unjust and violation of fundamental rights guaranteed under the Constitution of India and consequently direct the respondents to regularise the services of the petitioner with effect from 01-04-1991 with consequential benefits and emoluments payable to the petitioner while extending the time scale as per G.O.Ms. No. 117, dated 19-02-1990 on part with his juniors who got such benefits and to pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner:MR.P.PHALGUNA RAO

Counsel for the Respondent No.1: GP FOR AGRICULTURE

Counsel for the Respondents 2 and 3:SC FOR AP STATE WARE HOUSING CORPORATION.

The Court at the admission stage made the following Order:

THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT PETITION NO.12010 OF 2004

ORDER:

On 03-01-1996, the petitioner joined as Guard-cum-Peon on daily wages under the third respondent. While so, the petitioner's services were terminated on 18-08-1987. Against the said termination order, the petitioner approached the Labour court, Guntur, by way of raising I.D.No.545 of 1991. The Labour Court, Guntur, passed an award on 05-06-1997, setting aside the order of termination and directed the respondents to reinstate the petitioner into service with continuity of service but without back wages. Pursuant to the orders of the Labour Court, the second respondent issued proceedings dated 23-10-1997, directing the petitioner to reinstate into service, and accordingly, the petitioner was reinstated in the third respondent's Corporation. The petitioner submits that the Government of Andhra Pradesh vide G.O.Ms.No.117, dated 19-02-1990, has taken a policy decision extending time scale of pay to certain daily wage employees with effect from 01-04-1991. Consequently, the cases of number of employees, who were working on daily wage basis and who have completed three years of service were considered by the Government, and ultimately, their services were regularized with effect from 01-04-1991. The cases of some of the employees were not considered by the respondents for regularization, and hence, one of such employees by name Sk.Nazeer Mohammed approached this Court by filing W.P.No.20023 of 1994, praying to direct the respondents to regularize his services with effect from 01-04-1991. This Court, by order dated 01-11-1996, allowed the writ petition directing to consider the said Sk.Nazeer's case for regularization with effect from 01-04-1991, on which date the services of his juniors were regularized. Subsequently, the respondents vide proceedings dated 13-01-1987 regularized the services of the said Sk.Nazeer. Thereafter, one V.Chinna filed another W.P.No.14631 of 1999, who was placed under similar circumstances. The said W.P. was allowed by this Court vide its order

dated 28-04-2003, and consequently, his services were also regularized. In pursuance of the orders of this Court, petitioner made a representation dated 28-10-2002, requesting to consider his case for regularization on par with the other employees including his juniors. The grievance of the petitioner is that the second respondent did not pass any orders on the representation dated 28-10-2002 made by him. Aggrieved by the said action, the petitioner filed the present writ petition.

The second respondent having considered the cases of similarly placed employees ought to have passed appropriate orders on the representation of the petitioner dated 28-10-2002.

In the light of the aforesaid circumstances, the Writ Petition is disposed of directing the second respondent to pass appropriate orders on the representation dated 28-10-2002 made by the petitioner within a period of eight weeks from the date of receipt of a copy of this order and communicate the same to him.

The Writ Petition is accordingly disposed of. No costs.

21-07-2004

usd

To

1. The Principal Secretary, State of Andhra Pradesh, Food and Agriculture

(Marketing) Department, Secretariat, Hyderabad, Andhra Pradesh.

2 The Managing Director, Andhra Pradesh State Ware Housing Corporation,

2nd Floor, Warehousing Sadan, Near Gandhi Bhavan, Hyderabad,
Andhra Pradesh.

3 The Manager, Andhra Pradesh State Ware Housing Corporation, Pedapalli

(Village), Tadepalligudem Mandal, West Godavari District.

4 2CCs to GP for Agriculture, High Court of A.P., Hyderabad (o.u.t)

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